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**Report To:** General Government Committee

**Date of Meeting:** April 13, 2026 **Report Number:** LGS-020-26

**Authored By:** June Gallagher, Municipal Clerk

**Submitted By:** Rob Maciver, Deputy CAO/Solicitor, Legislative Services

**Reviewed By:** Mary-Anne Dempster, CAO

**By-law Number:** **Resolution Number:**

**File Number:**

**Report Subject:** Appointment of Municipal Elections Compliance Audit Committee Members 2026-2030

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### Recommendations:

1. That Report LGS-020-26, and any related delegations or communication items, be received;
2. That By-law 2026-004, which establishes the Clarington Municipal Election Compliance Audit Committee for the 2026-2030 term of Council, be amended (Attachment 2) to change the composition from “three members and one alternate member” to “three members and two alternate members”;
3. That Council appoint Don Beaton, Wendy Peaker, and Andrew Villeneuve to the 2026-2030 Clarington Municipal Elections Compliance Audit Committee;
4. That Ryan Frost and JoAnne Swaine be appointed as alternate members to the 2026-2030 Clarington Municipal Elections Compliance Audit Committee;
5. That the appointments be from November 15, 2026 to November 14, 2030 or until such time the Committee has disposed of any remaining matters in accordance with the Act, whichever is later; and
6. That all interested parties listed in Report LGS-020-26, be advised of Council’s decision.

## Report Overview

This report is intended to provide background information, regarding the Clarington Municipal Election Compliance Audit Committee (CAC) appointments in accordance with the Municipal Elections Act, 1996.

### 1. Legislative Authority

- 1.1 [Section 88.37 of the Municipal Elections Act](#), 1996, as amended, (the MEA) states that “a council or local board shall establish a compliance audit committee before October 1 of an election year for the purposes of this Act.” The CAC must have a minimum of three members and a maximum of seven members.
- 1.2 The CAC is a non-advisory quasi-judicial Committee. The CAC has the full authority, provided by Sections 88.33 to 88.37 of the MEA, to address applications requesting an audit of a candidate's or third party advertiser's election campaign finances and to consider reports from the Municipal Clerk citing apparent instances of over-contribution to municipal campaigns. In accordance with the MEA, this authority includes, but is not limited to, the following:
  - review applications for a compliance audit and grant or reject audit requests within 30 days of receipt;
  - where an audit is granted, appoint an auditor and review the audit report;
  - following the audit, decide whether legal proceedings shall be commenced; and
  - within 30 days after receiving a report from the Clerk, under Sections 88.34 and 88.36 (dealing with apparent campaign contributions above the permitted limits), the Compliance Audit Committee shall meet to consider the report and decide whether to commence a legal proceeding against a contributor for an apparent contravention, if applicable.

### 2. Timing

- 2.1 Although Council has until October 1st to appoint the new CAC members, the preferred timing is prior to the May 1st start of nominations. The Members begin their work in 2027 after the election financial period of December 31, 2026 passes and the financial statements start to be submitted.

### 3. Terms of Reference

- 3.1 At the January 26, 2026 Council meeting, Council adopted the following resolution contained in Report LGS-002-26:

That Report LGS-002-26, and any related delegations or communication items, be received;

That the By-law attached to Report LGS-002-26, as Attachment 1, to establish a Clarington Municipal Election Compliance Audit Committee for the 2026-2030 term, and the Committee's Terms of Reference, be approved; and

That all interested parties listed in Report LGS-002-26, be advised of Council's decision.

- 3.2 The Committee's Terms of Reference were approved with the passage of [By-law 2026-004](#).

### 4. Recruitment of Compliance Audit Committee Members

- 4.1 The Municipal Clerk's Division placed an advertisement in the Orono Times, on the Chartered Professional Accountants Ontario website, and on the Municipality's website detailing the selection criteria, with a closing date of March 12, 2026. In an effort to extend the reach of our advertisements, vacancies for the Compliance Audit Committee were listed on the Clarington Volunteers website.
- 4.2 Additionally, Staff contacted the Institution of Chartered Accountants, the Law Society of Ontario, Durham Region Police Service, UOIT, and former applicants.
- 4.3 In response to the call for members, applications were received from the following 11 applicants:

- Dolamu Asipa
- Don Beaton
- Ryan Frost
- Myrtle Guthrie
- Mehtab Habib
- Katie Paulino
- Wendy Peaker
- JoAnne Swaine
- Andrew Villeneuve
- Micheal Volpe
- Georgia Young

Note: Mohammed Ahmad, Ryan Frost, Paul Jones, JoAnne Swaine (alternate) are currently appointed to the 2022-2026 Clarington Municipal Election Compliance Audit Committee.

- 4.4 The applications have been circulated confidentially under separate cover (Attachment 1) as they contain personal information.

## **5. Additional Alternate Member**

- 5.1 The Terms of Reference indicate that the composition of the CAC shall consist of three members and one alternate member. The administrative procedure sets the quorum at three.

- 5.2 Staff are recommending an additional alternate member (i.e. total of two alternates) be appointed for the following reasons:

- Large list of qualified candidates.
- With a small number of CAC members, there is a greater concern of loss of quorum due to ineligibility:
  - if the CAC loses quorum during the period of notice and MEA requirement to hold a meeting (40 days) there may not be enough time to find/appoint a replacement to hold a meeting to meet the MEA requirements.
  - if the CAC loses quorum during the deliberation of a complaint, the MEA is silent on whether deliberations continue, or they need to start again.
- The MEA requires that the CAC be established prior to October 1<sup>st</sup> for the next term— there is a concern that if we lose two members during the next four years:
  - The new Council might be required to appoint people to the CAC who would be reviewing a Compliance Audit complaint regarding a sitting Member of Council.
  - Concerns about possible contravention of the MEA by appointing after October 1<sup>st</sup>.

## 6. Eligibility and Selection Criteria

6.1 The eligibility and selection criteria are outlined in the TOR. The following persons are ineligible for appointment:

- Employees or officers of the Municipality;
- A member of council or of a local board of the Municipality;
- Any persons who are candidates in an election of the Municipality or local board for which the CAC is established; or,
- Any persons who are registered third parties in an election of the Municipality or local board for which the CAC is established.

6.2 The following selection criteria was followed, and preference was given to candidates that have experience related to compliance audit activities or investigative or adjudicative processes:

- Demonstrated knowledge and understanding of municipal election campaign financing rules;
- Proven analytical and decision-making skills;
- Experience working on committees, boards, adjudicative bodies, task forces, or similar settings;
- Experience in accounting and audit, law, law enforcement, academics, or municipal administration from related fields;
- Demonstrated knowledge of quasi-judicial proceedings;
- Availability and willingness to attend meetings; and
- Excellent oral and written communication skills.

## 7. Staff Recommendations for Members

7.1 Applicants were asked about their availability for frequency, timing, and types of meetings. Emphasis was given to local applicants who would be available for daytime meetings.

7.2 In recognition of the CAC being a quasi-judicial Committee with no Council representative, and [in accordance with the Board/Committee Management Policy](#), Staff recommend the following for the core members:

- Don Beaton
- Wendy Peaker
- Andrew Villeneuve

7.3 To provide continuity and institutional knowledge to the CAC, Staff recommend the following two returning members for the alternates:

- Ryan Frost
- JoAnne Swaine

## **8. Financial Considerations**

8.1 As noted in the previous report, the retainer for each member will be \$400 and each member (including alternates) will be paid \$400 per meeting plus mileage, plus an additional \$100 for any additional application or report being considered after the first one, during the same meeting. The retainer covers attendance at a mandatory training session and review of periodic updates or information supplied by the Clerk. Therefore, the financial impact of the recommendation for an additional alternate would be \$800 in retainers and \$800 more per meeting (plus unknown mileage). Staff consider this as insurance against possible loss of members.

## **9. Strategic Plan**

N/A

## **10. Climate Change**

Not Applicable.

## **11. Concurrence**

Not Applicable.

## **12. Conclusion**

It is respectfully recommended that the CAC Terms of Reference be updated to add an additional alternate member and that members be appointed to the CAC.

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Attachments:

- Attachment 1 – Confidential Application Package (Distributed Under Separate Cover)
- Attachment 2 - By-law to amend By-law 2026-004 to change the composition.

Interested Parties:

All applicants